

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CASE NO. 13-CV-53 (JNE/TNL)

Teddi E. Seibring,

Plaintiff,

v.

State of Minnesota/Minnesota Pollution
Control Agency,

Defendants.

**REPORT &
RECOMMENDATION**

WHEREAS, the Complaint in this matter was filed on January 7, 2013 (ECF No. 1);

WHEREAS, on October 22, 2013, this Court issued an Order stating that more than 120 days had elapsed since the filing of this matter, and there is no record that the Complaint has been served, directing Plaintiff either to file proof of service or notify Defendant that it is required to answer or otherwise respond to the Complaint (ECF No. 6 at 1–2);

WHEREAS, Plaintiff has not (a) filed proof of service or (b) moved for entry of a default judgment after showing that Defendant was notified of the need to respond and Defendant failed to respond;

WHEREAS, Rule 4 requires this Court to dismiss an action without prejudice if the Complaint is not served within 120 days of its filing, Fed. R. Civ. P. 4(m); and

[Continued on next page.]

WHEREAS, more than 120 days have passed since the filing of the Complaint in this matter,

Therefore, **IT IS HEREBY RECOMMENDED** that this matter be **DISMISSED WITHOUT PREJUDICE**.

Dated: December 5, 2013

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
For the District of Minnesota

*Teddi E. Seibring v. State of
Minnesota/Minnesota Pollution Control Agency
File No. 13-cv-53 (JNE/TNL)*

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court and by serving upon all parties written objections that specifically identify the portions of the Report to which objections are made and the basis of each objection. This Report and Recommendation does not constitute an order or judgment from the District Court and it is therefore not directly appealable to the Circuit Court of Appeals. Written objections must be filed with the Court before **December 20, 2013**.